

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julia Moran	Team: Squad #6	CCRB Case #: 202001092	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 01/24/2020 11:50 PM	Location of Incident: In front of the 30th Precinct stationhouse and inside the 30th Precinct	Precinct: 30	18 Mo. SOL 7/24/2021	EO SOL 3/10/2022	
Date/Time CV Reported Sat, 01/25/2020 11:05 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/10/2020 11:05 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Fitzgeralda Herndonsoto	28803	944167	030 PCT
2. LT Alfred Reed	00000	929012	030 PCT
3. An officer			
4. POM Jorge Delgadoalanzo	19476	962353	030 PCT
5. SGT Steven Silveira		951256	

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Md Islam	19527	962496	030 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Fitzgeralda Herndonsoto	Abuse: In front of the 30th Precinct, Police Officer Fitzgeralda Herndon-Soto questioned § 87(2)(b)	
B.POF Fitzgeralda Herndonsoto	Abuse: In front of the 30th Precinct, Police Officer Fitzgeralda Herndon-Soto questioned § 87(2)(b)	
C.POM Jorge Delgadoalanzo	Abuse: In front of the 30th Precinct, Police Officer Jorge Delgado Alonzo questioned § 87(2)(b)	
D. An officer	Abuse: In front of the 30th Precinct, an officer took photographs of § 87(2)(b)	
E. An officer	Abuse: In front of the 30th Precinct, an officer took photographs of § 87(2)(b)	
F.POF Fitzgeralda Herndonsoto	Abuse: In front of the 30th Precinct, Police Officer Fitzgeralda Herndon-Soto refused to provide her name to § 87(2)(b)	
G.LT Alfred Reed	Abuse: In front of the 30th Precinct, Lieutenant Alfred Reed refused to provide his name to § 87(2)(b)	
H.POM Jorge Delgadoalanzo	Abuse: In front of the 30th Precinct, Police Officer Jorge Delgado Alonzo refused to provide his name to § 87(2)(b)	
I. An officer	Abuse: In front of the 30th Precinct, an officer refused to provide their name to § 87(2)(b)	
J.POF Fitzgeralda Herndonsoto	Abuse: In front of the 30th Precinct, Police Officer Fitzgeralda Herndon-Soto refused to provide her shield number to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
K.LT Alfred Reed	Abuse: In front of the 30th Precinct, Lieutenant Alfred Reed refused to provide his shield number to § 87(2)(b)	
L.POM Jorge Delgadoalonzo	Abuse: In front of the 30th Precinct, Police Officer Jorge Delgado Alonzo refused to provide his shield number to § 87(2)(b)	
M. An officer	Abuse: In front of the 30th Precinct, an officer refused to provide their shield number to § 87(2)(b)	
N.POF Fitzgeralda Herndonsoto	Abuse: In front of the 30th Precinct, Police Officer Fitzgeralda Herndon-Soto failed to provide § 87(2)(b) with a business card.	
O.LT Alfred Reed	Abuse: In front of the 30th Precinct, Lieutenant Alfred Reed failed to provide § 87(2)(b) with a business card.	
P.POM Jorge Delgadoalonzo	Abuse: In front of the 30th Precinct, Police Officer Jorge Delgado Alonzo failed to provide § 87(2)(b) with a business card.	
Q. An officer	Abuse: In front of the 30th Precinct, an officer failed to provide § 87(2)(b) with a business card.	
R.LT Alfred Reed	Abuse: Lieutenant Alfred Reed failed to provide § 87(2)(b) with a business card.	
S.LT Alfred Reed	Discourtesy: In front of the 30th Precinct, Lieutenant Alfred Reed spoke discourteously to § 87(2)(b)	
T.POF Fitzgeralda Herndonsoto	Abuse: In front of the 30th Precinct, Police Officer Fitzgeralda Herndon-Soto threatened to arrest § 87(2)(b)	
U.POF Fitzgeralda Herndonsoto	Abuse: In front of the 30th Precinct, Police Officer Fitzgeralda Herndon-Soto threatened to issue summons to § 87(2)(b)	
V. An officer	Abuse: At the 30th Precinct, an officer did not process § 87(2)(b)'s complaint regarding officers.	
W.SGT Steven Silveira	Abuse: At the 30th Precinct, Steven Silveira did not process § 87(2)(b)'s complaint regarding officers.	

Case Summary

On February 7, 2020, § 87(2)(b) reported this complaint to IAB under IA log number 2020-3308.

On January 24, 2020, at approximately 11:50 p.m., § 87(2)(b) drove with his wife, § 87(2)(b) and their two children behind an unmarked vehicle down 151st Street in Manhattan. The unmarked vehicle stopped in front of the 30th Precinct stationhouse located at 451 West 151st Street. § 87(2)(b) honked his horn and PO Fitzgerald Herndon-Soto of the 30th Precinct exited the passenger side of the unmarked vehicle and approached their vehicle. PO Herndon-Soto asked for § 87(2)(b) and § 87(2)(b) for their license and registration (**Allegation A: Abuse of Authority – § 87(2)(g) and B: Abuse of Authority – § 87(2)(g)**) and § 87(2)(b) did not comply. § 87(2)(b) then moved his vehicle forward and PO Herndon-Soto alleged that § 87(2)(b) hit her with the vehicle. Lieutenant Alfred Reed and PO Jorge Delgado-Alonzo of the 30th Precinct joined PO Herndon-Soto at § 87(2)(b)'s vehicle. PO Delgado-Alonzo asked § 87(2)(b) for his documentation (**Allegation C: Abuse of Authority – § 87(2)(g)**)

PO1 stood behind § 87(2)(b)'s vehicle and took pictures of her license plate and § 87(2)(b) and § 87(2)(b)'s faces on a personal iPhone (**Allegation D and E: Abuse of Authority – § 87(2)(g)**). § 87(2)(b) asked PO Herndon-Soto, Lt. Reed, PO Delgado-Alonzo, and PO1 for their names and badge number. The officers did not provide any information (**Allegation F, G, H, I, J, K, L, and M: Abuse of Authority – § 87(2)(g)**). § 87(2)(b) then allegedly asked for all of their business cards. No officer provided a business card (**Allegation N, O, P and Q: Abuse of Authority – § 87(2)(g)**). § 87(2)(b) asked Lt. Reed for a “supervisor card” and he did not provide one (**Allegation R: Abuse of Authority – § 87(2)(g)**). § 87(2)(b) told Lt. Reed that she would make a complaint with IAB and the CCRB. Lt. Reed responded, “Do you think we give a fuck about complaints” (**Allegation S: Discourtesy – § 87(2)(g)**). PO Herndon-Soto then told § 87(2)(b) that she could be arrested or given disorderly conduct summonses for being argumentative (**Allegation T and U: Abuse of Authority – § 87(2)(g)**). § 87(2)(b) and § 87(2)(b) were then told they were free to leave. They left and parked their vehicle.

§ 87(2)(b) and § 87(2)(b) then walked back to the 30th Precinct to file a complaint. PO2 told § 87(2)(b) that they do not take complaints against officers in person (**Allegation U: Abuse of Authority – § 87(2)(g)**). § 87(2)(b) asked to file a complaint again and Sgt. Steven Silveira reiterated they do not take complaints in person and she could file a complaint online (**Allegation V – § 87(2)(g)**). PO Md Islam of the 30th Precinct gave § 87(2)(b) a complaint form and told her which portions to fill out. § 87(2)(b) filled out the complaint form and left the stationhouse. § 87(2)(b) and § 87(2)(b) were not arrested or issued any summonses.

Four BWC videos were received in regards to this incident (BR 01-04).

Findings and Recommendations

Allegation (A) Abuse of Authority: In front of the 30th Precinct, Police Officer Fitzgerald Herndon-Soto questioned § 87(2)(b)

Allegation (B) Abuse of Authority: In front of the 30th Precinct, Police Officer Fitzgerald Herndon-Soto questioned § 87(2)(b)

Allegation (C) Abuse of Authority: In front of the 30th Precinct, Police Officer Jorge Delgado Alonzo questioned § 87(2)(b)

It is undisputed that both PO Herndon-Soto and PO Delgado Alonzo asked § 87(2)(b) for his license and registration.

At the 30 second mark of PO Herndon-Soto's second BWC, she was on the driver's side of a black vehicle and asked for § 87(2)(b)'s license and registration. § 87(2)(b)'s window was up, and he continued to look straight ahead. PO Herndon-Soto then told § 87(2)(b) that he almost ran her foot over and asked again for his license and registration. § 87(2)(b) and § 87(2)(b) said they did not almost hit her. PO Herndon-Soto asked for § 87(2)(b)'s license and registration again and told him that there was a sign that said, "Do Not Enter." At the 1:59 mark, PO Delgado Alonzo asked § 87(2)(b) if he had his license, registration, and insurance. § 87(2)(b) responded that the information was at his house (BR 02).

§ 87(2)(b) testified that § 87(2)(b) drove along 151st Street when an unmarked vehicle stopped in front of them. The unmarked vehicle then slowly moved forward and § 87(2)(b) honked his horn. The unmarked vehicle stopped, and PO Herndon-Soto exited and approached § 87(2)(b) and § 87(2)(b). PO Herndon-Soto knocked on § 87(2)(b)'s window and asked for § 87(2)(b)'s license and registration. § 87(2)(b) did not roll down the window or provide any documentation. PO Herndon-Soto then screamed and walked to the driver's side. § 87(2)(b) told § 87(2)(b) not to say anything or provide any documentation because it was not a legal stop. § 87(2)(b) rolled down his window and PO Herndon-Soto asked for his information. § 87(2)(b) asked why she needed his information. She continued to ask for his license and registration. § 87(2)(b) and § 87(2)(b) explained they would not hand their information over for an illegal stop. § 87(2)(b) and § 87(2)(b) did not provide any documentation (BR 05).

§ 87(2)(b) was not available to the investigation.

PO Herndon-Soto testified that her and Lt. Reed drove an unmarked vehicle back to the 30th Precinct Stationhouse to find parking. § 87(2)(b) was behind them and honked his horn while they were waiting for parking. PO Herndon-Soto exited her vehicle and walked to the passenger side of § 87(2)(b)'s vehicle and told § 87(2)(b) and § 87(2)(b) to give them a second because they were trying to park their vehicle. Neither § 87(2)(b) nor § 87(2)(b) rolled down their window or acknowledged her. PO Herndon-Soto then started to walk back to her vehicle. As she walked away on the driver's side of § 87(2)(b)'s vehicle, he sped up and then stopped his vehicle. The driver's side of § 87(2)(b)'s vehicle hit PO Herndon-Soto's left arm and body so that she moved backwards slightly. PO Herndon-Soto then knocked on § 87(2)(b)'s door and told him that he just hit her. § 87(2)(b) continued to look forwards while § 87(2)(b) screamed and used profanity. PO Herndon-Soto told § 87(2)(b) that there was a "Do Not Enter" sign on 151st Street and Convent Avenue that is in reference to all of 151st Street. § 87(2)(b) continued to tell PO Herndon-Soto that nobody hit her. After § 87(2)(b) lowered his window, PO Herndon-Soto requested § 87(2)(b)'s license which he eventually provided. PO Herndon-Soto tried to explain there was a 'No Entry' sign to allow vehicles to park and prevent any traffic issues if there was an emergency. PO Herndon-Soto never requested § 87(2)(b)'s information (BR 06).

PO Delgado Alonzo testified that he approached § 87(2)(b)'s vehicle because he thought that the driver might comply with him since he was dressed in uniform and Lt. Reed and PO Herndon-Soto were dressed in plainclothes. PO Delgado Alonzo asked § 87(2)(b) for his license, registration, and insurance. § 87(2)(b) stated he did not have his information with him because it was at home and did not provide his information. Occasionally, there is a stop sign that is put up on 151st Street so that vehicles do not drive through and the street is closed off, but drivers in the neighborhood tend to disregard it. He did not recall if the stop sign was up on the day of this incident (BR 07).

Lt. Reed corroborated that § 87(2)(b) was driving down a street that had a “Do Not Enter” sign. Lt. Reed did not know if there were specific circumstance, beyond an emergency, where people could enter the street (BR 08).

Photographs from the 30th Precinct confirmed that there is a “Do Not Enter” sign and “Authorized Vehicles Only Police Department Sign” located at 151st Street and Convent Avenue in Manhattan (BR 09).

Any police officer may request that the operator of any motor vehicle produce for inspection the certificate of registration for such vehicle and such operator shall furnish to such police officer any information necessary for the identification of such vehicle and its owner, and all information required concerning his license to operate, if he is required by law to have such a license New York State Vehicle and Traffic Law Section 401.4 (BR 27).

§ 87(2)(g)

[REDACTED]

Allegation (D) Abuse of Authority: In front of the 30th Precinct, an officer took photographs of § 87(2)(b)

Allegation (E) Abuse of Authority: In front of the 30th Precinct, an officer took photographs of § 87(2)(b)

§ 87(2)(b) testified that after PO Herndon-Soto screamed that § 87(2)(b) hit her, eight to nine officers congregated at the rear of § 87(2)(b)'s vehicle. PO1 stood behind § 87(2)(b)'s vehicle and took pictures of her license plate and the vehicle's occupants faces on a personal iPhone. § 87(2)(b) asked the officer why he took photos of her license plate. PO1 did not say anything and continued to walk around the entire vehicle and take pictures. PO1 was described as an approximately 5'6" uniformed White male, wearing a dark blue shirt.

PO Herndon-Soto testified that there were other officers at the rear of the vehicle with PO Herndon-Soto because it was during a tour change. The officers were in the area because of the tour change and were not involved in the incident. PO Herndon-Soto did not see any officers take photographs of § 87(2)(b)'s vehicle. She could not recall if any officers were behind the vehicle during this time. No officer had their phone out to take pictures.

Lt. Reed and PO Delgado-Alonzo's testimonies were consistent with PO Hendon-Soto's.

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

Allegation (F) Abuse of Authority: In front of the 30th Precinct, Police Officer Fitzgeralda Herndon-Soto refused to provide her name to § 87(2)(b)

Allegation (G) Abuse of Authority: In front of the 30th Precinct, Lieutenant Alfred Reed refused to provide his name to § 87(2)(b)

Allegation (H) Abuse of Authority: In front of the 30th Precinct, Police Officer Jorge Delgado Alonzo refused to provide his name to § 87(2)(b)

Allegation (I) Abuse of Authority: In front of the 30th Precinct, an officer refused to provide their name to § 87(2)(b)

Allegation (J) Abuse of Authority: In front of the 30th Precinct, Police Officer Fitzgeralda Herndon-Soto refused to provide her shield number to § 87(2)(b)

Allegation (K) Abuse of Authority: In front of the 30th Precinct, Lieutenant Alfred Reed refused to provide his shield number to § 87(2)(b)

Allegation (L) Abuse of Authority: In front of the 30th Precinct, Police Officer Jorge Delgado Alonzo refused to provide his shield number to § 87(2)(b)

Allegation (M) Abuse of Authority: In front of the 30th Precinct, an officer refused to provide their shield number to § 87(2)(b)

At the 2:19 minute mark of PO Herndon-Soto's second BWC, § 87(2)(b) stated, "What's your name officer?" She then repeated the request two more times. PO Herndon-Soto then provided her name as "Soto," spelled it out, and provided her shield number as "28803." PO Herndon-Soto then asked if § 87(2)(b) wanted her to write it down and § 87(2)(b) agreed. PO Herndon-Soto gave § 87(2)(b) a piece of paper with her information on it.

§ 87(2)(b) testified that when PO Herndon-Soto, Lt. Reed, and additional officers were by her vehicle, she asked for their names and badge numbers. None of the officers originally provided their information. § 87(2)(b) then asked the officers for their business cards. PO Herndon-Soto then walked back to her unmarked vehicle and when she returned, she gave § 87(2)(b) a piece of paper with the name "Soto" and the number 28803. No additional officers provided their names or shield numbers.

Lt. Reed testified that § 87(2)(b) asked for PO Herndon-Soto's name and shield and § 87(2)(b) asked for her shield number. PO Herndon-Soto went back to her vehicle and got a piece of paper, wrote down her information, and provided it to § 87(2)(b). Lt. Reed did not hear § 87(2)(b) request any other officers' information. She did not ask Lt. Reed for his name or shield number and he did not refuse to provide it. No officer refused to provide their name or shield to § 87(2)(b). Lt. Reed did not hear § 87(2)(b) or § 87(2)(b) ask for PO Delgado's name, shield, or business card.

PO Delgado Alonzo's testimony corroborated Lt. Reed's testimony that § 87(2)(b) asked PO Herndon-Soto for her name and shield number and that she provided the information. She also asked for her supervisor's name and shield number. No one asked for PO Delgado Alonzo's name or shield number. PO Delgado Alonzo did not refuse to provide his name or shield number. He did not hear Lt. Reed refuse to provide his name or shield number.

§ 87(2)(g)

[REDACTED]

Allegation (N) Abuse of Authority: In front of the 30th Precinct, Police Officer Fitzgeralda Herndon-Soto failed to provide § 87(2)(b) with a business card.
Allegation (O) Abuse of Authority: In front of the 30th Precinct, Lieutenant Alfred Reed failed to provide § 87(2)(b) with a business card.
Allegation (P) Abuse of Authority: In front of the 30th Precinct, Police Officer Jorge Delgado Alonzo failed to provide § 87(2)(b) with a business card.
Allegation (Q) Abuse of Authority: In front of the 30th Precinct, an officer failed to provide § 87(2)(b) with a business card.

At the 1:07 mark of Lt. Reed's BWC, § 87(2)(b) repeatedly asked an officer for their name. PO Herndon-Soto provided her name and shield number and then asked if § 87(2)(b) wanted her to write it down. § 87(2)(b) responds affirmatively, and PO Herndon-Soto wrote it down. § 87(2)(b) did not request any additional information, specifically she did not request a business card (BR 03).

§ 87(2)(b) testified that when PO Herndon-Soto, Lt. Reed, PO Delgado Alonzo and an additional officer were by her vehicle, she asked the officers for their business cards. PO Herndon-Soto gave § 87(2)(b) a piece of paper with the name "Soto" and the number 28803, but no officer provided a business card.

PO Herndon-Soto testified that § 87(2)(b) did not ask PO Herndon-Soto or any other officer for their business cards. She did not hear any officer refuse to provide a business card.

Lt. Reed and PO Delgado Alonzo both corroborated PO Herndon-Soto's testimony that § 87(2)(b) did not request any officer's business card and no officer refused to provide a business card.

§ 87(2)(g)

[REDACTED]

Allegation (R) Abuse of Authority: Lieutenant Alfred Reed failed to provide § 87(2)(b) with a business card.

At the 1:20 mark of Lt. Reed's BWC, § 87(2)(b) told the officers that he also wanted their supervisor's card. Lt. Reed asked him what kind of card, and § 87(2)(b) responded he wanted a card with the supervisor's name on it. PO Herndon-Soto responded that she "got it." Lt. Reed told § 87(2)(b) that what he was referring to was called a "cop card" and not called a supervisor's card.

No card is given to § 87(2)(b)

Lt. Reed testified that no one asked for his business card and he never refused to provide one. He did have business cards on him during the incident, but this was not a situation that would have required him to provide one.

Patrol Guide 203-09 states that members of service are to provide business cards, as appropriate, at the request of the members of the public (BR 11). New York City Administrative Code 14-174 requires an officer offer a business card to any person requesting identifying information, or provide such information verbally to such person and allow such person sufficient time to record such information when such officer does not have an adequate number of pre-printed business cards or hand-written cards (BR 26).

§ 87(2)(g)

Allegation (S) Discourtesy: In front of the 30th Precinct, Lieutenant Alfred Reed spoke discourteously to § 87(2)(b)

At the 55 second mark of Lt. Reed's BWC, § 87(2)(b) told the officers that she will file a complaint against PO Herndon-Soto with the CCRB. No officer responded and § 87(2)(b) continued to speak with the officers. At the 2:55 minute mark, § 87(2)(b) told PO Herndon-Soto that she would "get a complaint against her shield." Lt. Reed began to say "Okay, you have" and then "why are you" but did not finish either statement. § 87(2)(b) then rolled up his vehicle's window and Lt. Reed walked away. The whole incident when FADOs were alleged was captured on BWC and no profanity was used.

§ 87(2)(b) testified that she told Lt. Reed that she would make a complaint with IAB and the CCRB about their interaction and Lt. Reed responded with, “Do you think we give a fuck about complaints.”

Lt. Reed testified that he did not remember if he had any conversation with § 87(2)(b) about filing a complaint. He did not hear any officer use any profanity nor did he use any. He did not tell § 87(2)(b) "Do you think we give a fuck about complaints?"

PO Herndon-Soto testified that she did not hear any officer use profanity. Lt. Reed did not use any profanity. PO Herndon-Soto and PO Delgado Alonzo testified that they did not remember if he said, “Do you think we give a fuck about complaints?”

§ 87(2)(b) alleged that when she told Lt. Reed that she would file a complaint against the officers, he said, “Do you think we give a fuck about complaints?” However, Lt. Reed’s BWC confirmed that he did not use any profanity and did not respond to § 87(2)(b) the first time she mentioned filing a complaint. The second time she mentioned making a complaint, Lt. Reed started to say “okay, you have” and then “why are you” but he did not finish either statement nor did he use any profanity.

He did not speak with § 87(2)(b) any further.

§ 87(2)(g)

Allegation (T) Abuse of Authority: In front of the 30th Precinct, Police Officer Fitzgeralda Herndon-Soto threatened to arrest § 87(2)(b)

Allegation (U) Abuse of Authority: In front of the 30th Precinct, Police Officer Fitzgeralda Herndon-Soto threatened to issue summons to § 87(2)(b)

At the 2:21 mark of PO Herndon-Soto's second BWC, § 87(2)(b) asked an officer for their name. PO Herndon-Soto stated her name was officer "Soto" and provides her shield as 28803. PO Herndon-Soto then walked back to her vehicle at the 2:52 mark to write her information down. PO Herndon-Soto then returned to § 87(2)(b)'s vehicle and said, "All I'm telling you is that we have cameras right there" and "to let me speak because I let you speak". She went on to tell § 87(2)(b) that there was sign that said do not enter and they almost ran her over. § 87(2)(b) told the officers she was going to file a complaint against them, and PO Herndon-Soto said she did not care. PO Herndon-Soto then gave § 87(2)(b) a piece of paper and said, "here you go." § 87(2)(b) rolled up his driver's side window and PO Herndon-Soto walked away.

§ 87(2)(b) testified that when PO Herndon-Soto returned with her name and shield number, she stated that § 87(2)(b) and § 87(2)(b) could be arrested or given disorderly conduct summonses for being argumentative. § 87(2)(b) told PO Herndon-Soto that she would not issue them any summonses. Lt. Reed then left to park the unmarked vehicle and § 87(2)(b) and § 87(2)(b) were told they were free to leave. They were not arrested or issued any summonses.

PO Herndon-Soto did not remember if she told § 87(2)(b) that she could be arrested or issued a summons. Being on 151st Street would be a violation because of the "Do Not Enter" sign. PO Herndon-Soto did not suspect § 87(2)(b) or § 87(2)(b) of committing any other violations. PO Herndon-Soto wanted to deescalate the situation, so she did not take any further actions. There were no arrestable offenses. § 87(2)(b) could not have arrested for hitting PO Herndon-Soto. If he had hit her and then left, she could have filed an accident report. She was not sure if he could have been issued a summons for hitting her with his vehicle.

Lt. Reed testified that he heard PO Herndon-Soto say something about how they could be issued a summons. § 87(2)(b) and § 87(2)(b) could have been issued a summons for unnecessary honking of their horn since it was not an emergency situation and obstruction of governmental administration because § 87(2)(b) did not provide his license. Additionally, they were driving down a street that had a "Do Not Enter" sign. He did not remember if she said anything about the occupants being arrested.

PO Delgado Alonzo was not aware of any violation § 87(2)(b) or § 87(2)(b) were committing. There was nothing for which they could have been arrested or summonsed for. PO Delgado Alonzo did not recall if PO Herndon-Soto told the occupants they could be arrested or given a disorderly conduct summons for being argumentative.

§ 87(2)(g)

§ 87(2)(g)

Allegation (U) Abuse of Authority: At the 30th Precinct, an officer did not process § 87(2)(b) s complaint regarding officers.

Allegation (V) Abuse of Authority: At the 30th Precinct, Steven Silveira did not process § 87(2)(b) s complaint regarding officers.

§ 87(2)(b) testified that after parking their vehicle, she walked back to the 30th Precinct stationhouse with § 87(2)(b) to file a complaint. An officer, PO2, sat at a desk in the stationhouse with a female civilian worker. PO2 was described as an approximately 5'8"/9" uniformed Black male, with a stocky build, wearing a navy-blue shirt. § 87(2)(b) asked PO2 to file a complaint against officers and he responded that they do not take complaints against officers in person. He informed her that she could call or file a complaint online. § 87(2)(b) told PO2 that he was lying and Sgt. Silveira, who was at a desk near the entrance, walked over to § 87(2)(b) and told her she could call or fill out a complaint online. § 87(2)(b) said she wanted to fill out a form in person. PO Islam then came over and provided § 87(2)(b) with a complaint form and informed her of which portions to complete. Sgt. Silveira then reviewed the form and spoke with § 87(2)(b).

PO Islam was interviewed in regards to the incident. At the time of the incident, PO Islam was stationed as the T/S clerk and was completing property inventory paperwork in the back of the precinct in the property room behind the desk. PO Islam was not interacting with any civilians in his role. Sgt. Silveria was working as the desk sergeant during this time and was on the phone making a notification. § 87(2)(b) was speaking with Sgt. Silveria at this point, but PO Islam could not hear if § 87(2)(b) requested from Sgt. Silveria to file a complaint against an officer. He did not remember Sgt. Silveria telling § 87(2)(b) that they do not take complaints in person and she could call or file a complaint online. He did not think any civilian asked him to take a complaint. PO Islam did not tell § 87(2)(b) that he could not take a complaint in person and she could file one online. On this date, if a civilian wanted to file a complaint in person then it would have fallen within PO Islam and Sgt. Silveria's duties as the T/S operator and desk sergeant to help file the complaint. Sgt. Silveria informed PO Islam that he made a CCRB notification call. Upon reviewing the civilian complaint report, PO Islam recognized his name and signature on the form, but it did not refresh his recollection of speaking with any civilians about filing a complaint against an officer. PO Islam's name being on the report was because he was the T/S operator, but not necessarily because he personally took the complaint. He might have just helped prepare the paperwork. PO Islam did not recall any Black male officer working the desk (BR 12).

Sgt. Checo was interviewed as he was originally listed as the desk sergeant on the 30th Precinct roll call. He testified that he was assigned to patrol sergeant and it was very likely that he was present in the 30th Precinct stationhouse at the time of the incident finishing up roll call. He did not recall being behind the desk or interacting with any civilians at this point. No civilian asked Sgt. Checo if they could file a complaint against an officer and he did not tell any civilian they do not take complaints in person and they could call or file one online and he did not hear any other officer say so. He did not remember taking any complaint from any civilian. He did not see any civilian speaking with any officer during this time. It would have been within Sgt. Checo's duties to take any complaints if a civilian wanted to file a complaint in person. There were multiple supervisors working the area during the change of tour, but he could not recall who. Sgt. Checo did not recall

any Black male behind the desk working during this time, but there were Black male officers working in the 1st platoon (BR 13).

The CCRB civilian complaint report noted PO Islam received the complaint and Sgt. Silveira was the reviewing supervisor (BR 14).

The 30th Precinct command log confirmed that Sgt. Silveira was the desk sergeant on duty at the time of the incident and noted § 87(2)(b) and § 87(2)(b) filed a complaint at 11:55 p.m. on January 24, 2020 and departed the stationhouse at 1:05 a.m. No other officers were listed as having a desk assignment (BR 15).

Police documentation confirmed Sgt. Silveira resigned as of July 23, 2020 (BR 16).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two CCRB complaints and has been named as a victim in three allegations (BR 17):
 - § 87(2)(b)
- § 87(2)(b) has been party to two CCRB complaints and has been named as a victim in two allegations (BR 18):
 - § 87(2)(b)
- PO Delgado Alonzo has been a member-of-service for four and this is the first CCRB complaint to which he has been a subject (BR 19).
- Lt. Reed has been a member of service for 19 years and has been a subject in one CCRB complaint and two allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Silveira has been a member of service for an unknown number of years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g).
- PO Herndon-Soto has been a member of service for 14 years and has been a subject in six CCRB complaints and ten allegations, of which three were substantiated (BR 22):
 - 200809868 involved an allegation of a search of person, which was closed as complainant uncooperative.
 - 201113418 involved allegations of a stop and discourteous language, which were both closed as complainant uncooperative.
 - 201311559 involved substantiated allegations of an arrest and a stop against PO Herndon-Soto. The Board recommended Command Discipline – B and Instructions and the NYPD imposed Command Discipline – B.

- 201607262 involved an allegation of a stop, which was closed as complainant uncooperative.
- 201707982 involved a substantiated allegation of a stop against PO Herndon-Soto. The Board recommended Formalized Training and the NYPD imposed Formalized Training.
- 201808540 involved an allegation of physical force, which was closed as exonerated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of June 16, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (BR 23).

● [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Squad No.: 6

Investigator: Julia Moran Inv. Julia Moran 6/25/2021
 Signature Print Title & Name Date

Squad Leader: Jessica Peña IM Jessica Pena 6/25/2021
 Signature Print Title & Name Date

Reviewer: _____
 Signature Print Title & Name Date